

House Study Bill 579 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOLT)

A BILL FOR

1 An Act relating to guardianships and conservatorships of
2 minors.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232D.103, Code 2020, is amended to read
2 as follows:

3 **232D.103 Jurisdiction.**

4 The juvenile court has exclusive jurisdiction in a
5 guardianship proceeding concerning a minor who is alleged to be
6 in need of a guardianship, and guardianships of minors.

7 Sec. 2. Section 232D.105, subsection 1, Code 2020, is
8 amended to read as follows:

9 1. A petition alleging that a minor is in need of a
10 conservatorship is not subject to **this chapter**. Such
11 proceedings shall be governed by **chapter 633** and may be
12 initiated pursuant to **section 633-627** 633.557.

13 Sec. 3. Section 232D.301, subsection 2, paragraph d,
14 subparagraph (3), Code 2020, is amended to read as follows:

15 (3) Any adult who has had the primary care of the minor or
16 with whom the minor has lived for at least six months ~~prior to~~
17 immediately preceding the filing of the petition.

18 Sec. 4. Section 232D.301, subsection 4, Code 2020, is
19 amended to read as follows:

20 4. The petition shall state whether a limited guardianship
21 is appropriate, and whether a conservatorship for the minor is
22 needed or already in existence.

23 Sec. 5. Section 232D.302, subsection 2, Code 2020, is
24 amended to read as follows:

25 2. Notice shall be served upon the minor's known parents
26 listed in the petition in accordance with the rules of civil
27 procedure. If the parent has not filed a consent to the
28 appointment of a guardian, the notice shall inform any parent
29 named in the petition that the parent may be entitled to
30 representation under the conditions described in section
31 232D.304.

32 Sec. 6. Section 232D.305, subsection 1, Code 2020, is
33 amended to read as follows:

34 1. The court may appoint a court visitor for the minor. A
35 person is qualified to serve as a court visitor if the person

1 has demonstrated sufficient knowledge of guardianships to
2 adequately perform the duties in subsection 3.

3 Sec. 7. Section 232D.401, subsections 1 and 2, Code 2020,
4 are amended to read as follows:

5 1. The order by the court appointing a guardian for a minor
6 shall state the basis for the order and the date on which the
7 first reporting period for the guardianship will end.

8 2. The order by the court appointing a guardian for a minor
9 shall state whether the guardianship is a limited guardianship
10 and whether a conservator for the minor exists or a petition
11 for a conservatorship has been filed.

12 Sec. 8. Section 232D.401, subsection 3, unnumbered
13 paragraph 1, Code 2020, is amended to read as follows:

14 An order by the court appointing a guardian for a minor shall
15 state the powers granted to the guardian. Except as otherwise
16 limited by court order, the court may grant the guardian the
17 following powers, ~~which may be exercised without prior court~~
18 ~~approval:~~

19 Sec. 9. Section 232D.401, subsection 3, paragraph e, Code
20 2020, is amended to read as follows:

21 e. Applying for and receiving funds and benefits payable
22 for the support of the minor if the minor does not have a
23 conservator. If the minor has a conservator, the guardian
24 shall notify the conservator at least ten days before applying
25 for funds or benefits for the support of the minor.

26 Sec. 10. Section 232D.501, subsection 1, paragraph a, Code
27 2020, is amended by adding the following new subparagraph:

28 NEW SUBPARAGRAPH. (2A) The guardian's plan, if any, for
29 applying for and receiving funds and benefits payable for the
30 support of the minor.

31 Sec. 11. Section 232D.501, subsection 1, paragraph b, Code
32 2020, is amended by adding the following new subparagraph:

33 NEW SUBPARAGRAPH. (11) The results of the guardian's
34 efforts to apply for funds or benefits for the minor, and
35 an accounting for the use of such funds or benefits by the

1 guardian.

2 Sec. 12. Section 232D.501, subsection 4, Code 2020, is
3 amended to read as follows:

4 4. Reports of the guardian shall be reviewed and approved
5 by the court. If the total value of funds or benefits retained
6 by the guardian for the minor's benefit exceeds the amount
7 specified in section 633.555, the court shall determine whether
8 a conservatorship is appropriate for the minor.

9

EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill relates to guardianships and conservatorships of
13 minors.

14 Under current law, the juvenile court has exclusive
15 jurisdiction of guardianship proceedings. The bill provides
16 that the juvenile court also has exclusive jurisdiction over
17 guardianships of minors.

18 The bill changes a Code reference for a petition to appoint a
19 conservator for a minor.

20 The bill provides that a petition for a minor guardianship
21 must state whether a minor needs or currently has a
22 conservatorship.

23 The bill describes who is qualified to serve as a court
24 visitor for a minor.

25 The bill adds additional report requirements for cases where
26 a minor has a conservatorship, requires the guardian to report
27 to the district court in the case of minor conservatorships,
28 and requires that the reporting period be listed on the report.

29 The bill provides that notice of a guardianship proceeding
30 must be given to any adult with whom the minor has lived for the
31 six months immediately preceding the filing of the petition.

32 The bill further provides that if a minor's known parents
33 have not consented to the appointment of a guardian, the notice
34 of the filing of a guardianship petition shall inform the known
35 parents that they are entitled to representation if they meet

1 the conditions in Code section 232D.304.

2 The bill strikes a reference to "without prior court
3 approval" in a Code section listing powers a court may grant
4 to a guardian.

5 The bill also directs that the initial verified care plan
6 must include the guardian's plan for applying and receiving
7 funds and benefits for the support of the minor.